

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 11869 of 2007(K)

PETITIONER:

SMT.O.VISALAKSHY, W/O.LATE P.RAVEENDRAN,
AGED 63 YEARS, RESIDING AT THATTANTAZHIKOM,
HARIHARAPURAM, VARAKALA.

BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM)
SRI.S.HARIKRISHNAN

RESPONDENTS:

1. THE VILLAGE OFFICER, AIROOR, VARKALA.
2. THE SUB-TREASURY OFFICER, PARAVOOR,
KOLLAM.
3. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.
4. STATE OF KERALA, REPRESENTED BY
SECRETARY, FINANCE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.V.MANOJ KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

APPENDIX

PETITIOENR'S EXHIBITS:

- EXT.P1 TRUE COPY OF PENSION PAYMENT ORDER NO.
QLN/15875 DTD.11.5.1993 ISSUED BY THE
ACCOUNTANT GENERAL.
- EXT.P2 TRUE COPY OF THE LETTER ISSUED BY THE 1ST
RESPONDENT TO THE 2ND RESPONDENT DTD.
10.4.2006.
- EXT.P3 TRUE COPY OF LETTER NO.A3298/2006 DTD.
29.5.2006 ISSUED BY THE 2ND RESPONDENT
TO THE PETITIOENR.
- EXT.P4 TRUE COPY OF REPLY DTD.7.6.2006 SUBMITTED
BY THE PETITIOENR BEFORE THE 2ND RESPONDENT.
- EXT.P5 TRUE COPY OF COMMUNICATION DTD.21.6.2006.
- EXT.P6 TRUE COPY OF LETTER DTD.12.5.2006 ISSUED BY
THE FIRST RESPONDENT.
- EXT.P7 TRUE COPY OF PETITION SUBMITTED BEFORE THE
THIRD RESPONDENT.

RESPONDENT'S EXHIBITS

- EXT.R2(a) TRUE COPY OF COMPLAINT LODGED BY THE BROTHERS
OF DECEASED P.RAVEENDRAN TO THE DISTRICT
TREASURY OFFICER, KOLLAM.
- EXT.R2(b) TRUE COPY OF DEATH CERTIFICATE OF SRI.
P.RAVEENDRAN.

TRUE COPY

P.A.TO JUDGE

K.BALAKRISHNAN NAIR,J

W.P.(C)NO.11869 of 2007

Dated this the 20th day of July, 2007

JUDGMENT

The petitioner claims family pension on the ground that she is the widow of late P.Raveendran, a pensioner. In fact pension was sanctioned, but the same was not released to her and she was informed by the Sub Treasury Officer the reasons for the same by issuing Ext.P3 communication. According to him, there was some difference in the address of the pensioner shown in the pension book and that shown in the Non-marriage Certificate of the petitioner. Further, the said certificate issued by the Village Officer, Ayiroor has been frozen by the said officer. On the above grounds, the family pension was not released. So, this writ petition is filed praying inter alia for a direction to release the family pension. The respondents have filed a counter affidavit in which it is stated that the petitioner's brother-in-law has filed a complaint against her stating that late P.Raveendran has never married the petitioner, and therefore, she is not eligible to get family pension. Pending enquiry into the complaint, payment of pension was withheld, it is submitted.

2. Having regard to the facts of the case, the 4th respondent is directed to conduct an enquiry into the dispute raised against the claim of the petitioner for pension and take a final decision in the matter with notice to her, the complainant and any other person interested within four months from the date of production of a copy of this judgment. If the decision is in favour of the petitioner, the family pension including the arrears shall be disbursed without further delay.

The writ petition is disposed of as above.

**K.BALAKRISHNAN NAIR,
JUDGE**

CS

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